



Sen. Kwame Raoul

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LRB098 04370 JWD 58190 a

1 AMENDMENT TO SENATE BILL 122

2 AMENDMENT NO. _____. Amend Senate Bill 122 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Business Enterprise for Minorities,
5 Females, and Persons with Disabilities Act is amended by
6 changing Section 2 as follows:

7 (30 ILCS 575/2)

8 (Section scheduled to be repealed on June 30, 2016)

9 Sec. 2. Definitions.

10 (A) For the purpose of this Act, the following terms shall
11 have the following definitions:

12 (1) "Minority person" shall mean a person who is a
13 citizen or lawful permanent resident of the United States
14 and who is any of the following:

15 (a) American Indian or Alaska Native (a person
16 having origins in any of the original peoples of North

1 and South America, including Central America, and who
2 maintains tribal affiliation or community attachment).

3 (b) Asian (a person having origins in any of the
4 original peoples of the Far East, Southeast Asia, or
5 the Indian subcontinent, including, but not limited
6 to, Cambodia, China, India, Japan, Korea, Malaysia,
7 Pakistan, the Philippine Islands, Thailand, and
8 Vietnam).

9 (c) Black or African American (a person having
10 origins in any of the black racial groups of Africa).
11 Terms such as "Haitian" or "Negro" can be used in
12 addition to "Black or African American".

13 (d) Hispanic or Latino (a person of Cuban, Mexican,
14 Puerto Rican, South or Central American, or other
15 Spanish culture or origin, regardless of race).

16 (e) Native Hawaiian or Other Pacific Islander (a
17 person having origins in any of the original peoples of
18 Hawaii, Guam, Samoa, or other Pacific Islands).

19 (2) "Female" shall mean a person who is a citizen or
20 lawful permanent resident of the United States and who is
21 of the female gender.

22 (2.05) "Person with a disability" means a person who is
23 a citizen or lawful resident of the United States and is a
24 person qualifying as being disabled under subdivision
25 (2.1) of this subsection (A).

26 (2.1) "Disabled" means a severe physical or mental

1 disability that:

2 (a) results from:

3 amputation,

4 arthritis,

5 autism,

6 blindness,

7 burn injury,

8 cancer,

9 cerebral palsy,

10 Crohn's disease,

11 cystic fibrosis,

12 deafness,

13 head injury,

14 heart disease,

15 hemiplegia,

16 hemophilia,

17 respiratory or pulmonary dysfunction,

18 an intellectual disability,

19 mental illness,

20 multiple sclerosis,

21 muscular dystrophy,

22 musculoskeletal disorders,

23 neurological disorders, including stroke and

24 epilepsy,

25 paraplegia,

26 quadriplegia and other spinal cord conditions,

1 sickle cell anemia,
2 ulcerative colitis,
3 specific learning disabilities, or
4 end stage renal failure disease; and

5 (b) substantially limits one or more of the
6 person's major life activities.

7 Another disability or combination of disabilities may
8 also be considered as a severe disability for the purposes
9 of item (a) of this subdivision (2.1) if it is determined
10 by an evaluation of rehabilitation potential to cause a
11 comparable degree of substantial functional limitation
12 similar to the specific list of disabilities listed in item
13 (a) of this subdivision (2.1).

14 (3) "Minority owned business" means a business concern
15 which is at least 51% owned by one or more minority
16 persons, or in the case of a corporation, at least 51% of
17 the stock in which is owned by one or more minority
18 persons; and the management and daily business operations
19 of which are controlled by one or more of the minority
20 individuals who own it.

21 (4) "Female owned business" means a business concern
22 which is at least 51% owned by one or more females, or, in
23 the case of a corporation, at least 51% of the stock in
24 which is owned by one or more females; and the management
25 and daily business operations of which are controlled by
26 one or more of the females who own it.

1 (4.1) "Business owned by a person with a disability"
2 means a business concern that is at least 51% owned by one
3 or more persons with a disability and the management and
4 daily business operations of which are controlled by one or
5 more of the persons with disabilities who own it. A
6 not-for-profit agency for persons with disabilities that
7 is exempt from taxation under Section 501 of the Internal
8 Revenue Code of 1986 is also considered a "business owned
9 by a person with a disability".

10 (4.2) "Council" means the Business Enterprise Council
11 for Minorities, Females, and Persons with Disabilities
12 created under Section 5 of this Act.

13 (5) "State contracts" shall mean all State contracts,
14 funded exclusively with State funds which are not subject
15 to federal reimbursement, whether competitively bid or
16 negotiated as defined by the Secretary of the Council and
17 approved by the Council.

18 "State construction contracts" means all State
19 contracts entered into by a State agency or State
20 university for the repair, remodeling, renovation or
21 construction of a building or structure, or for the
22 construction or maintenance of a highway defined in Article
23 2 of the Illinois Highway Code.

24 (6) "State agencies" shall mean all departments,
25 officers, boards, commissions, institutions and bodies
26 politic and corporate of the State, but does not include

1 the Board of Trustees of the University of Illinois, the
2 Board of Trustees of Southern Illinois University, the
3 Board of Trustees of Chicago State University, the Board of
4 Trustees of Eastern Illinois University, the Board of
5 Trustees of Governors State University, the Board of
6 Trustees of Illinois State University, the Board of
7 Trustees of Northeastern Illinois University, the Board of
8 Trustees of Northern Illinois University, the Board of
9 Trustees of Western Illinois University, municipalities or
10 other local governmental units, or other State
11 constitutional officers.

12 (7) "State universities" shall mean the Board of
13 Trustees of the University of Illinois, the Board of
14 Trustees of Southern Illinois University, the Board of
15 Trustees of Chicago State University, the Board of Trustees
16 of Eastern Illinois University, the Board of Trustees of
17 Governors State University, the Board of Trustees of
18 Illinois State University, the Board of Trustees of
19 Northeastern Illinois University, the Board of Trustees of
20 Northern Illinois University, and the Board of Trustees of
21 Western Illinois University.

22 (8) "Certification" means a determination made by the
23 Council or by one delegated authority from the Council to
24 make certifications, or by a State agency with statutory
25 authority to make such a certification, that a business
26 entity is a business owned by a minority, female, or person

1 with a disability for whatever purpose. A business owned
2 and controlled by females shall be certified as a "female
3 owned business". A business owned and controlled by females
4 who are also minorities shall be certified as both a
5 "female owned business" and a "minority owned business".

6 (9) "Control" means the exclusive or ultimate and sole
7 control of the business including, but not limited to,
8 capital investment and all other financial matters,
9 property, acquisitions, contract negotiations, legal
10 matters, officer-director-employee selection and
11 comprehensive hiring, operating responsibilities,
12 cost-control matters, income and dividend matters,
13 financial transactions and rights of other shareholders or
14 joint partners. Control shall be real, substantial and
15 continuing, not pro forma. Control shall include the power
16 to direct or cause the direction of the management and
17 policies of the business and to make the day-to-day as well
18 as major decisions in matters of policy, management and
19 operations. Control shall be exemplified by possessing the
20 requisite knowledge and expertise to run the particular
21 business and control shall not include simple majority or
22 absentee ownership.

23 (10) "Business concern or business" means a business
24 that has annual gross sales of less than \$75,000,000 as
25 evidenced by the federal income tax return of the business.
26 A firm with gross sales in excess of this cap may apply to

1 the Council for certification for a particular contract if
2 the firm can demonstrate that the contract would have
3 significant impact on businesses owned by minorities,
4 females, or persons with disabilities as suppliers or
5 subcontractors or in employment of minorities, females, or
6 persons with disabilities.

7 (B) (Blank) ~~When a business concern is owned at least 51%~~
8 ~~by any combination of minority persons, females, or persons~~
9 ~~with disabilities, even though none of the 3 classes alone~~
10 ~~holds at least a 51% interest, the ownership requirement for~~
11 ~~purposes of this Act is considered to be met. The certification~~
12 ~~category for the business is that of the class holding the~~
13 ~~largest ownership interest in the business. If 2 or more~~
14 ~~classes have equal ownership interests, the certification~~
15 ~~category shall be determined by the business concern.~~

16 (Source: P.A. 97-227, eff. 1-1-12; 97-396, eff. 1-1-12; 97-813,
17 eff. 7-13-12; 98-95, eff. 7-17-13.)

18 Section 99. Effective date. This Act takes effect upon
19 becoming law."